

**REMARKS**

Claim 20 has been cancelled.

Claims 21, 22, 24, and 25 have been amended to depend from Claim 1, to incorporate the phrase “a salt thereof with a pharmaceutically acceptable acid or a pharmaceutically acceptable complex thereof,” and to present a structural formula consistent with the language of Claim 1, from which the claims now depend.

Support for these amendments can be found in the accompanying “Statement of Status of Claims and Support For Claim Changes.”

No new matter has been introduced.

**Rejection of Claims 21, 22, 24, and 25**

The Examiner rejected Claims 21, 22, 24, and 25 as being based upon a defective reissue oath under 35 U.S.C. § 251. The Examiner stated that the reissue oath/declaration filed with the application is defective because the amendment of Claims 21, 22, 24, and 25 into independent form, broadens the claims. The Examiner believes making those claims independent and free of the proviso results in claimed material not clearly and properly described in the specification nor covered in the issue patent.

Claim 1 was not rejected upon a defective reissue. Claims 21, 22, 24, and 25 have been amended to properly depend from Claim 1, thereby incorporating the limitations of Claim 1. Therefore the amended Claims 21, 22, 24, and 25 do not enlarge the scope of the claims of the original patent and the reissue declaration filed with the application complies with the requirements of 35 U.S.C. § 251.

**Obligation Under 37 C.F.R. § 1.56**

The Examiner stated that the application currently names joint inventors, and that the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made, absent any evident to the contrary.

Applicants respectfully point out that this application lists a sole inventor and thereby there is no obligation under 37 C.F.R. § 1.56.

Rejection of Claim 20 Under 35 U.S.C. § 103(a)

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Draeger (U.S. Patent 4,457,936). Claim 20 has been cancelled in an effort to expedite prosecution. In view of the cancellation, the rejection is now moot.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Susan M. Abelleira  
Susan M. Abelleira

Registration No. 42,252

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

*November 17, 2003*